

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**TOMMIE LEE HOPKINS,**

**No. 08-30226-DRH**

**Defendant.**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Defendant's motion for continuance (Doc. 20).

Defendant states that he has just recently retained counsel and his counsel has not had the opportunity to review the file and prepare the defense in this case. The Government has no objections. To force a defendant to trial without adequate time to prepare would constitute a miscarriage of justice. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interest of the public and Defendant Hopkins in a speedy trial. Therefore, the Court **GRANTS** Defendant's motion for continuance (Doc. 20) and **CONTINUES** the trial set for March 23, 2009 until **May 11, 2009 at 9:00 a.m.**. The time from the date Defendant Hopkins' motion was filed, March 11, 2009, until the date on which the trial is rescheduled, May 11, 2009, is excludable time for the purposes of a speedy trial.

Should either party believe that a witness will be required to travel on

the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance.

**IT IS SO ORDERED.**

Signed this 12th day of March, 2009.

/s/ David R. Herndon  
**Chief Judge**  
**United States District Court**